

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF RECEIPT OF
RECORD COPY

(PCT Rule 24.2(a))

From the INTERNATIONAL BUREAU

To:

COCKAYNE, Gillian
Marconi Intellectual Property
Marrable House
The Vineyards
Great Baddow
Chelmsford, Essex CM2 7QS
United Kingdom

Date of mailing (day/month/year) 13 June 2003 (13.06.03)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference P/63564/CAMLAB	International application No. PCT/GB03/01373

The applicant is hereby **notified** that the International Bureau has received the record copy of the international application as detailed below.

Name(s) of the applicant(s) and State(s) for which they are applicants:

MARCONI CORPORATION PLC et al(all designated States)

International filing date : 28 March 2003 (28.03.03)

Priority date(s) claimed : 28 March 2002 (28.03.02)

Date of receipt of the record copy
by the International Bureau : 15 May 2003 (15.05.03)

List of designated Offices :

AP : GH,GM,KE,LS,MW,MZ,SD,SL,SZ,TZ,UG,ZM,ZW

EA : AM,AZ,BY,KG,KZ,MD,RU,TJ,TM

EP : AT,BE,BG,CH,CY,CZ,DE,DK,EE,ES,FI,FR,GB,GR,HU,IE,IT,LU,MC,NL,PT,RO,SE,SI,SK,TR

OA : BF,BJ,CF,CG,CI,CM,GA,GN,GO,GW,ML,MR,NE,SN,TD,TG

National : AE,AG,AL,AM,AT,AU,AZ,BA,BB,BG,BR,BY,BZ,CA,CH,CN,CO,CR,CU,CZ,DE,DK,DM,DZ,

EC,EE,ES,FI,GB,GD,GE,GH,GM,HR,HU,ID,IL,IN,IS,JP,KE,KG,KP,KR,KZ,LC,LK,LR,LS,LT,LU,

LV,MA,MD,MG,MK,MN,MW,MX,MZ,NO,NZ,OM,PH,PL,PT,RO,RU,SC,SD,SE,SG,SK,SL,TJ,TM,TN,TR,

TT,TZ,UA,UG,UZ,VC,VN,YU,ZA,ZM,ZW

ATTENTION

The applicant should carefully check the data appearing in this Notification. In case of any discrepancy between these data and the indications in the international application, the applicant should immediately inform the International Bureau.

In addition, the applicant's attention is drawn to the information contained in the Annex, relating to:

- ☒ time limits for entry into the national phase - see updated important information (as of April 2002)
- ☒ confirmation of precautionary designations (if applicable)
- ☒ requirements regarding priority documents (if applicable)

A copy of this Notification is being sent to the receiving Office and to the International Searching Authority.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.89.65

Authorized officer:

Luis HIGUERA

Telephone No. (41-22) 338 8154



INFORMATION ON TIME LIMITS FOR ENTERING THE NATIONAL PHASE

The applicant is reminded that the "national phase" must be entered before each of the designated Offices indicated on the cover sheet of this Notification by paying national fees and furnishing translations, as prescribed by Articles 22 and 39 and the applicable national laws. In addition, the applicant may also have to comply with other special requirements applicable in certain Offices. It is the applicant's responsibility to ensure the necessary steps to enter the national phase are taken in a timely fashion. Most Offices do not issue reminders to applicants in connection with the entry into the national phase.

The applicable time limit for entering the national phase will, subject to what is said in the following paragraph, be **30 MONTHS** from the priority date, not only in respect of any elected Office where a demand for international preliminary examination is filed before the expiration of 19 months from the priority date (see Article 39(1)), but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see PCT Gazette No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the PCT Newsletter, October and November 2001 and February 2002 issues.

In practice, time limits other than the 30-month time limit will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the PCT Gazette ("Section IV" part published on a weekly basis), to the PCT Newsletter (on a monthly basis) and to the relevant National Chapters in Volume II of the PCT Applicant's Guide (the paper version of which is updated usually twice a year and the Internet version of which is updated usually on a weekly basis). Finally, a cumulative table of all applicable time limits for entering the national phase is available from WIPO's Internet site, via links from various pages the site including those of the Gazette, Newsletter and Guide, at <http://www.wipo.int/pct/en/index.html>.

Information about the requirements for filing a demand for international preliminary examination is set out in the PCT Applicant's Guide, Volume I/A, Chapter IX. Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

CONFIRMATION OF PRECAUTIONARY DESIGNATIONS

This notification lists only specific designations made under Rule 4.9(a) in the request. It is important to check that these designations are correct. Errors in designations can be corrected where precautionary designations have been made under Rule 4.9(b). The applicant is hereby reminded that any precautionary designations may be confirmed according to Rule 4.9(c) before the expiration of 15 months from the priority date (this time limit may not be extended). If it is not confirmed, it will automatically be regarded as withdrawn by the applicant. There will be no reminder and no invitation. Confirmation of a designation consists of the filing of a notice specifying the designated State concerned (with indication of the kind of protection or treatment desired) and the payment of the designation and confirmation fees. The Notice of confirmation and payment must reach the receiving Office within the 15-month time limit.

REQUIREMENTS REGARDING PRIORITY DOCUMENTS

For applicants who have not yet complied with the requirements regarding priority documents, the following is recalled.

Where the priority of an earlier national, regional or international application is claimed, the applicant must submit a copy of the said earlier application, certified by the authority with which it was filed ("the priority document") to the receiving Office (which will transmit it to the International Bureau) or directly to the International Bureau, before the expiration of 16 months from the priority date, provided that any such priority document may still be submitted to the International Bureau before that date of international publication of the international application, in which case that document will be considered to have been received by the International Bureau on the last day of the 16-month time limit (Rule 17.1(a)).

Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau. Such request must be made before the expiration of the 16-month time limit and may be subjected by the receiving Office to the payment of a fee (Rule 17.1(b)).

If the priority document concerned is not submitted to the International Bureau or if the request to the receiving Office to prepare and transmit the priority document has not been made (and the corresponding fee, if any, paid) within the applicable time limit indicated under the preceding paragraphs, any designated State may disregard the priority claim, provided that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within the time limit which is reasonable under the circumstances.

Where several priorities are claimed, the priority date to be considered for the purposes of computing the 16-month time limit is the filing date of the earliest application whose priority is claimed.

PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

To:

COCKAYNE, Gillian
Marconi Intellectual Property
Marrable House
The Vineyards
Great Baddow
Chelmsford, Essex CM2 7QS
United Kingdom

**NOTIFICATION CONCERNING
SUBMISSION OR TRANSMITTAL
OF PRIORITY DOCUMENT**

(PCT Administrative Instructions, Section 411)

Date of mailing (day/month/year) 07 July 2003 (07.07.03)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference P/63564/CAMLAB	
International application No. PCT/GB03/01373	International filing date (day/month/year) 28 March 2003 (28.03.03)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 28 March 2002 (28.03.02)
Applicant MARCONI CORPORATION PLC et al	

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
28 Marc 2002 (28.03.02)	0207505.9	GB	27 June 2003 (27.06.03)

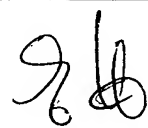
The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.89.65

Authorized officer

Evelyne HUCHON

Telephone No. (41-22) 338 9010



PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

To:

COCKAYNE, Gillian
Marconi Intellectual Property
Marrable House
The Vineyards
Great Baddow
Chelmsford, Essex CM2 7QS
United Kingdom

Date of mailing (day/month/year)
27 August 2003 (27.08.03)

Applicant's or agent's file reference
M/2730.PC-WO *P/135564*

International application No.
PCT/GB03/01373

IMPORTANT NOTIFICATION

International filing date (day/month/year)
28 March 2003 (28.03.03)

1. The following indications appeared on record concerning:

☒ the applicant ☐ the inventor ☐ the agent ☐ the common representative

Name and Address

MARCONI CORPORATION PLC
New Century Park
P.O. Box 53
Coventry CV3 1HJ
United Kingdom

State of Nationality
GB

State of Residence
GB

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☒ the person ☐ the name ☐ the address ☐ the nationality ☐ the residence

Name and Address

MARCONI UK INTELLECTUAL PROPERTY
LTD
New Century Park
P.O. Box 53
Coventry CV3 1HJ
United Kingdom

State of Nationality
GB

State of Residence
GB

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

☒ the receiving Office ☐ the designated Offices concerned
☐ the International Searching Authority ☐ the elected Offices concerned
☐ the International Preliminary Examining Authority ☐ other:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.89.65

Authorized officer

R. Chrem

Telephone No. (41-22) 338.8201

PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

To:

COCKAYNE, Gillian
Marconi Intellectual Property
Marrable House
The Vineyards
Great Baddow
Chelmsford, Essex CM2 7QS
United Kingdom

**INFORMATION CONCERNING ELECTED
OFFICES NOTIFIED OF THEIR ELECTION**

(PCT Rule 61.3)

Date of mailing (day/month/year) 10 November 2003 (10.11.03)		
Applicant's or agent's file reference M/2730.PC-WO <i>P/G 3564.WOP</i>		IMPORTANT INFORMATION
International application No. PCT/GB03/01373	International filing date (day/month/year) 28 March 2003 (28.03.03)	
Priority date (day/month/year) 28 March 2002 (28.03.02)		
Applicant MARCONI UK INTELLECTUAL PROPERTY LTD et al		

1. The applicant is hereby informed that the International Bureau has, according to Article 31(7), notified each of the following Offices of its election:

EP : AT,BE,BG,CH,CY,CZ,DE,DK,EE,ES,FI,FR,GB,GR,HU,IE,IT,LU,MC,NL,PT,RO,SE,
SI,SK,TR

National : BG,CA,CN,DE,GB,IL,JP,KP,KR,MN,NO,PL,RO,RU,SK,US

2. The following Offices have waived the requirement for the notification of their election; the notification will be sent to them by the International Bureau only upon their request:

AP : GH,GM,KE,LS,MW,MZ,SD,SL,SZ,TZ,UG,ZM,ZW

EA : AM,AZ,BY,KG,KZ,MD,RU,TJ,TM

OA : BF,BJ,CF,CG,CI,CM,GA,GN,GQ,GW,ML,MR,NE,SN,TD,TG

National : AE,AG,AL,AM,AT,AU,AZ,BA,BB,BR,BY,BZ,CH,CO,CR,CU,CZ,DK,DM,DZ,EC,
EE,ES,FI,GD,GE,GH,GM,HR,HU,ID,IN,IS,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MA,MD,
MG,MK,MW,MX,MZ,NZ,OM,PH,PT,SC,SD,SE,SG,SL,TJ,TM,TN,TR,TT,TZ,UA,UG,UZ,VC,
VN,YU,ZA,ZM,ZW

3. The applicant is reminded that he must enter the "national phase" **before the expiration of 30 months from the priority date** before each of the Offices listed above. This must be done by paying the national fee(s) and furnishing, if prescribed, a translation of the international application (Article 39(1)(a)), as well as, where applicable, by furnishing a translation of any annexes of the international preliminary examination report (Article 36(3)(b) and Rule 74.1).

Some offices have fixed time limits expiring later than the above-mentioned time limit. For detailed information about the applicable time limits and the acts to be performed upon entry into the national phase before a particular Office, see Volume II of the PCT Applicant's Guide.

The entry into the European regional phase is postponed **until 31 months from the priority date** for all States designated for the purposes of obtaining a European patent.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.89.65

Authorized officer:

Christine BACQUAERT

Telephone No. (41-22) 338 8987

PATENT COOPERATION TREATY

CHELSEA	
EC	EC
4 - MAY 2004	
PCT	

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Cockayne, Gillian
MARCONI INTELLECTUAL PROPERTY
Crompton Close
Basildon
Essex SS14 3BA
GRANDE BRETAGNE

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Rule 71.1)

Date of mailing
(day/month/year) 29.04.2004

Applicant's or agent's file reference
P63564/GPTU73

IMPORTANT NOTIFICATION

International application No.
PCT/GB 03/01373

International filing date (day/month/year)
28.03.2003

Priority date (day/month/year)
28.03.2002

Applicant
MARCONI UK INTELLECTUAL PROPERTY LTD et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465



Authorized Officer

Finnie, A

Tel. +49 89 2399-8251



PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P/63564/GPTU73	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/01373	International filing date (<i>day/month/year</i>) 28.03.2003	Priority date (<i>day/month/year</i>) 28.03.2002
International Patent Classification (IPC) or both national classification and IPC H04L12/24		
Applicant MARCONI UK INTELLECTUAL PROPERTY LTD et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 20.10.2003	Date of completion of this report 29.04.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Bub, A Telephone No. +49 89 2399-7209 <div style="text-align: right;"></div>	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/01373**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-24 as originally filed

Claims, Numbers

1-8 as originally filed

Drawings, Sheets

1/9-7/9, 9/9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/01373**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 5

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-4, 6-8
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-4, 6-8
Industrial applicability (IA)	Yes: Claims	1-4, 6-8
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Dependent claim 5 defines to reconfigure connections "but not every time in all ways possible". This formulation is so vague so that the reader of the claim is in doubt for which extent protection is thought. In effect, claim 5, taken as a whole, is considered so unclear in the sense of Article 6 PCT, so that it is impossible to establish an opinion on the defined subject-matter.

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: MUKHERJEE S ET AL: 'An adaptive connection admission control policy for VBRservice class' INFOCOM '98. SEVENTEENTH ANNUAL JOINT CONFERENCE OF THE IEEE COMPUTER AND COMMUNICATIONS SOCIETIES. PROCEEDINGS. IEEE SAN FRANCISCO, CA, USA 29 MARCH-2 APRIL 1998, NEW YORK, NY, USA, IEEE, US, 29 March 1998 (1998-03-29), pages 849-857, XP010270413 ISBN: 0-7803-4383-2

D2: LE BODIC G ET AL: 'Resource cost and QoS achievement in a contract-based resource manager for mobile communications systems' IEEE JOURNAL, 2000, pages 392-397, XP010515108

D3: DEVALLA B ET AL: 'Adaptive connection admission control for mission critical real-time communication networks' MILITARY COMMUNICATIONS CONFERENCE, 1998. MILCOM 98. PROCEEDINGS., IEEE BOSTON, MA, USA 18-21 OCT. 1998, NEW YORK, NY, USA, IEEE, US, 18 October 1998 (1998-10-18), pages 614-620, XP010307857 ISBN: 0-7803-4506-1

D4: SAHOO A ET AL: 'Adaptive connection management for mission critical applications over ATM networks' AEROSPACE AND ELECTRONICS CONFERENCE, 1998. NAECON 1998. PROCEEDINGS OF THE IEEE 1998 NATIONAL DAYTON, OH, USA 13-17 JULY 1998, NEW YORK, NY, USA, IEEE,

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB03/01373

US, 13 July 1998 (1998-07-13), pages 128-135, XP010298934 ISBN: 0-7803-4449-9

2. Independent claims

2.1. Independent claim 1

The present application does not meet the requirements of Article 33(3) PCT, because the subject-matter of claim 1 is not considered to be involve an inventive step.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

A communications system comprising: a communications network comprising network nodes and network links between the network nodes; said connections utilizing network nodes and network links, in respect of each said connection there being a number of possible ways to implement the connection on the network (implicitly disclosed by the presence of "ATM networks" in D1, abstract),

when allocating a connection to the network, selecting one of the said number of possible ways to implement that connection (D1, abstract, "bandwidth renegotiation"),

when deciding whether to accept or reject a request for a said connection on said network, having the option to accommodate said request to reconfigure existing connection reconfigured (D1, abstract, "dynamic resource partitioning and dynamic resource redistribution among active connections"), a different one of the said number of possible ways to implement that connection, the reconfiguration being constrained to a set of possible reconfigurations which is a subset of the set of all possible reconfigurations of said existing connections on the network (D1, page 852, right-hand-column, line 9-13, "The new connection admission uses β fraction of the available resource and the rest is used for renegotiation. By adjusting β dynamically with the load and demand on the system, new admissions are regulated.").

The only difference between the disclosure of D1 and the subject-matter of independent claim 1 is that a network management system allocates the connection.

The problem to be solved is considered as to determine an instance to allocate the connection. It is generally known that either a network management system can do the configuration as well as the network elements itself configure the new connection.

The feature of executing the renegotiation by the network management system is therefore merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

Furthermore, the formulation "having the option" is **not clear** in the sense of Article 6 PCT, because it is not clear which options in total are available. There is only defined "having the option to accommodate", but no further options are defined.

Additionally, the formulation is **unclear**, because the scope of protection is not clearly defined. As the formulation includes both cases, to accommodate and not to accommodate, it has no limiting effect to the scope of protection. In conclusion, the definition lets the reader in doubt to which extent protection is sought and is therefore unclear according to Article 6 PCT.

Furthermore, the formulation "a different one of the said number of possible ways to implement" is **not clear**, because it is not clear, in which way is to be implemented. Additionally, it is not clear to which of the possible ways the other way differs. Therefore, the claim is considered unclear according to Article 6 PCT.

3. Dependent claims

Dependent claims 2-4 and 6-8 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the Art. 33(3) PCT in respect of inventive step, the reasons being as follows:

Claims 2 and 8 define to only reconfigure reconfigurable connections, which is considered to be obvious.

Claim 3 and 4 define to change either the route or wavelength of the connection which are considered to be obvious design options.

Claim 6 defines to constrain the reconfiguration only to the standby path and not to the main path, which are considered obvious design options.

Claim 7 relates to having the option to choose both wavelength and route for implementing a connection, whereas for reconfiguration it is only possible to choose one of these parameters, which are considered to be obvious design options.

The formulation "it is possible" in dependent claim 7 is unclear, because the scope of protection is not clearly defined. As the formulation includes both cases, to choose or not to choose, it has no limiting effect to the scope of protection. In conclusion, the definition lets the reader in doubt to which extent protection is sought and is therefore unclear according to Article 6 PCT.

Certain defects in the International application

A. Sheet 8/9 (Figure 9) is missing in the application on file. Therefore, the description should be adapted accordingly (page 19, line 20 – page 22, line 16).

B. Any independent claim should be in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

C. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

D. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).